

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

ARC Venture Holding, Inc., *et al.*,

Debtors.¹

Case No. 08 – 46367 (NCD)

(Jointly Administered)

K&L GATES'S MOTION TO EXTEND DEADLINE TO FILE STIPULATION

K&L Gates LLP ("*K&L Gates*"), counsel to the official committee of unsecured creditors appointed in the above-captioned bankruptcy case (the "*Committee*"), hereby moves the Court (the "*Motion*") for an extension of the deadline to file a stipulation in connection with this Court's *Order for Evidentiary Hearing on Applications for Compensation by K&L Gates as Attorney for UCC, and Arlow Group, as Financial Advisor to UCC* entered on July 17, 2009 (Docket No. 794) (the "*Scheduling Order*"). In support hereof, K&L Gates respectfully states as follows:

1. On June 22, 2009, K&L Gates filed its final fee application as counsel to the Committee (Docket No. 762) (the "*Fee Application*"). Four objections were filed to the Fee Application by parties in interest. *See Response of U.S. Bank National Association to Final Fee Application of K&L Gates LLP as Counsel to the Official Committee of Unsecured Creditors and Request to Limit Notice* (Docket No. 773); *U.S. Trustee's Objection to Application for Allowance*

¹ Jointly administered estates of the following Debtors: ARC Venture Holding, Inc., Case No. BKY 08-46367; Southwest-Tex Leasing Co., Inc., d/b/a Advantage, Case No. BKY 08-46368; Advantage Rent-A-Car, Inc., Case No. BKY 08-46369; Coast Leasing Corp., Case No. BKY 08-46370; Floral Leasing Corp., Case No. BKY 08-46371; Iliad Leasing Corp., Case No. BKY 08-46372; Miso Leasing Corp., Case No. BKY 08-46373; Nugget Leasing Corp., Case No. BKY 08-46374; Okra Leasing Corp., Case No. BKY 08-46375; Rainier Leasing Corp., Case No. BKY 08-46376; San Antonio Rental & Leasing Co., Inc., Case No. BKY 08-46377; Steamboat Springs Rental & Leasing Co., Inc., Case No. BKY 08-46379; Sun Leasing Corporation, Case No. BKY 08-46380; Tradewinds U-Drive, Inc., Case No. BKY 08-46383; Ute Leasing Corporation, Case No. BKY 08-46384; ARC Licensing LLC, Case No. BKY 09-40394.

of Fees and Expenses by K&L Gates LLP as Attorneys to the Official Committee of Unsecured Creditors (Docket No. 774); *Objection by Chapter 7 Trustee to Final Fee Application of K&L Gates LLP* (Docket No. 779); and *Objection to Final Fee Application of K&L Gates LLP as Counsel to the Official Committee of Unsecured Creditors and Request to Limit Notice* filed by Hyundai Capital America (“Hyundai”) (Docket No. 780).

2. Pursuant to paragraph 2 of the Scheduling Order:

No later than ten (10) days prior to the hearing, all parties are expected to confer and enter into a stipulation as to the following: (a) Waiver of objections to the admissibility of exhibits on the grounds of lack of identification or foundation where the identification or foundation is not to be contested; (b) waiver of objections to the admissibility of depositions proposed to be offered in evidence, if any; (c) Facts which are not disputed. This stipulation shall be reduced to writing in a form which can be adopted by the Court as Findings of Fact.

3. On August 17, 2009, at 11:00 a.m., K&L Gates, Brian Leonard (the chapter 7 trustee), counsel for Hyundai, and counsel for U.S. Bank conferred by telephone with respect to those items set forth in paragraph 2 of the Scheduling Order. Michael Fadlovich of the U.S. Trustee’s office did not attend the telephone conference, nor did he respond to requests for his availability.

4. At that telephone conference, the parties discussed the admission of exhibits and undisputed facts. K&L Gates does not anticipate that it will offer oral testimony and expects that the Court will rule, following a hearing, on the basis of the docket, hearing transcripts, and written argument. K&L Gates does not believe that any of the objecting parties will offer oral testimony, but again, it had not heard from the U.S. Trustee’s office at the time of preparing this motion.² K&L Gates is in the process of drafting a stipulation summarizing the history of the

² As K&L Gates was prepared to file this Motion, at 4:26 p.m., Mr. Fadlovich contacted Robert Shannon at K&L Gates via e-mail indicating that he was available to confer. They have since had a telephone conference and are continuing to discuss these matters.

bankruptcy proceeding (the “*Stipulation*”) that is acceptable to all parties, but will be unable to complete the Stipulation until it confers with the U.S. Trustee’s office. Accordingly, K&L Gates respectfully requests an extension to submit the Stipulation until August 21, 2009. In addition, and in connection with the requirements of the Scheduling Order, K&L Gates has proposed several exhibits to the parties but does not anticipate admissibility of these exhibits will be an issue.

WHEREFORE, K&L Gates respectfully requests that this Court enter an order extending the deadline to file the Stipulation until August 21, 2009.

Dated: August 17, 2009

Respectfully submitted,

K&L GATES LLP

By: /s/ Sarah H. Bryan
One of its Attorneys

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

ARC Venture Holding, Inc., *et al.*,

Debtors.¹

Case No. 08 – 46367

(Jointly Administered)

Chapter 11

UNSWORN CERTIFICATE OF SERVICE

I, Sarah H. Bryan, under penalty of perjury, hereby declare that on August 17, 2009, in connection with the above-referenced matter, the following document:

**1. K&L GATES'S MOTION TO EXTEND DEADLINE TO FILE
STIPULATION**

was filed with the Clerk of Court via CM/ECF system, and ECF will send a notice of electronic filing to all of the parties requesting electronic notice.

CM/ECF Electronic Notice List

Marc A. Al on behalf of Interested Party Bond Safeguard Insurance Co. and
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¹ Jointly administered estates of the following Debtors: ARC Venture Holding, Inc., Case No. BKY 08-46367; Southwest-Tex Leasing Co., Inc., d/b/a Advantage, Case No. BKY 08-46368; Advantage Rent-A-Car, Inc., Case No. BKY 08-46369; Coast Leasing Corp., Case No. BKY 08-46370; Floral Leasing Corp., Case No. BKY 08-46371; Iliad Leasing Corp., Case No. BKY 08-46372; Miso Leasing Corp., Case No. BKY 08-46373; Nugget Leasing Corp., Case No. BKY 08-46374; Okra Leasing Corp., Case No. BKY 08-46375; Rainier Leasing Corp., Case No. BKY 08-46376; San Antonio Rental & Leasing Co., Inc., Case No. BKY 08-46377; Steamboat Springs Rental & Leasing Co., Inc., Case No. BKY 08-46379; Sun Leasing Corporation, Case No. BKY 08-46380; Tradewinds U-Drive, Inc., Case No. BKY 08-46383; Ute Leasing Corporation, Case No. BKY 08-46384; Advantage Licensing LLC, Case No. BKY 09-40394.

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Dated: August 17, 2009

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